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American Legion

AND

Civil Liberty

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By WALTER WILSON

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AMERICAN LEAGUE AGAINST WAR AND FASCISM

112 EAST 19TH STREET

NEW YORK CITY

FOREWORD

The undersigned members or former members of the American Legion, voicing our personal sentiments as defenders of American civil liberties, express our opposition to those activities and pronouncements of Legion officials and Legion posts which deny to others their rights under the law.

We have long looked with considerable distrust upon those tendencies in the Legion which seek to uphold a false concept of Americanism which denies freedom of expression to certain so-called subversive or radical groups and ideas. No line can successfully be drawn between one kind of language and another on public issues. Once any man or body of men set themselves up as censors of what may be tolerated, they assume a power which only public authorities may legally exercise.

This pamphlet calls attention to a long and unfortunate record of such misguided action and attitudes by American Legion officials and posts. It is in the interest of those more tolerant and progressive elements within the Legion that we express the hope that this pamphlet will help to counteract what are essentially un-American attitudes, totally unworthy of men who fought for democracy.

Ernest Angell, New York
Walter G. Bergman, Detroit
Rolland Bradley, Texas
Robert M. Coates, Conn.
Gardner Jackson, Washington, D. C.
W. W. Norton, New York
George D. Pratt, Jr., Conn.
Samuel Robbins, New York
Kenneth E. Walser, New York

THE AMERICAN LEGION AND CIVIL LIBERTY

WORLD WAR veterans in nearly every country in the world since 1918 have played an active and sometimes highly influential role in national affairs,—sometimes a force for reaction, sometimes for progress.

In the United States the dominant veterans' organization is the American Legion, with some 850,000 members. The Legion speaks for both organized and unorganized veterans in the same sense that the American Federation of Labor speaks for American labor.

Generally speaking, ever since its inception the dominant forces within the Legion have reflected the interests of Big Business and taken on the attitudes of "professional patriots."

They have promoted repressive legislation in conflict with the Bill of Rights;

They have been used by big employers to break strikes and crush labor unions;

They have denied free speech and free assembly to those they oppose;

They have joined with militarists and jingoistic preparedness advocates in opposing peace movements.

The Legion's answer to these general charges, whenever brought, is always that the acts complained of are unofficial, and that the Legion cannot be held responsible for the misuse of its name by individual members or groups of members. At the Atlantic City American Federation of Labor convention (1935), Commander Ray Murphy of the Legion told the delegates: "If incidents should arise which might cause you to question the sincerity of the Legion's friendship . . . ever remember that the Legion cannot be committed by the actions of a few and that the Legion itself will be quick to correct any wrongs committed in its name."

But the obvious fact is that the Legion must be judged by the acts of its members and Posts. Many official Legion resolutions and

the pronouncements of its officials have encouraged precisely the type of anti-labor and anti-democratic activities which this record cites. There is no record of the Legion's officially rebuking any of the Posts or individuals responsible for the wrongs committed in the Legion's name which are recited here.

On the contrary, many official statements approve such acts of repression and lawlessness. Speaking of "subversive elements", National Chaplain John W. Inzer once told Legion convention delegates:

"Gentlemen, you don't know how badly I do hate some of those guys (radicals) . . . We've got to say, 'send those scamps to hell'."

In April, 1921, Kate Richards O'Hare, prominent Socialist lecturer, was to have made a speech at Weston, W. Va., but local Legionnaires got the city to pass an ordinance forbidding her meeting. Alvin M. Owsley, then director of the National Americanism Commission of the Legion, wrote to the Post:

"It is highly gratifying and indeed pleasing to those of us at National Headquarters to read the account of the splendid conduct of your Legion Post during the recent unwelcome visit of Kate O'Hare into your community."

In Wilkes-Barre, Pa., in 1924 a visiting national vice-commander of the Legion assisted armed Legionnaires to break up a Lenin memorial meeting and helped to compel all of the participants, including women and children, to salute the flag as they left the hall. In 1932 the national convention of the Legion adopted a resolution that "the American Legion commends the activities of those of its Posts which in the past year have boldly resisted radical and Communistic activities." One searches vainly through the convention proceedings for a word of criticism against the lawless and violent practices by Legionnaires, as illustrated in this pamphlet.

Nor can Legion officials evade responsibility by holding that they have no power to censor Posts or individuals. Article XI of the Legion's Constitution expressly gives the National Executive Committee power to suspend Departments which fail "adequately to discipline any of its Posts." The record shows that

the Legion has disciplined Posts for action out of line with its national policies. The Willard Straight Post in New York was expelled from the Legion for opposing the bonus, and reinstated only by court order. The Thomas Jefferson Post at Detroit was expelled for its stand on peace.

Thus it is clear that the Legion must accept responsibility for the acts of Departments and Posts. When the American Legion fails to censor and punish individuals or Posts which engage in repressive and lawless acts against labor, liberals, pacifists, radicals, it stands convicted of condoning such acts.

RANK and file veterans who are becoming aware of how their organization has been misused by selfish and reactionary interests, are now moving to cleanse the stains from the Legion banner. It is not too much to hope that they will halt the red-baiting; stop strike-breaking, help prevent the passage of repressive legislation, and finally kick out reactionary leaders. Easily discernible trends in these directions are already evident.

Legionnaires who are members of labor, farm and other progressive organizations, should seek the aid of these groups in converting the Legion to a defense of the Bill of Rights.

Labor and liberal movements should in their turn always go to the Legion—national, state and local organization—with requests for aid in protecting the right to organize, strike and picket, in combating vigilantism and in fighting gag legislation.

Legion Posts and Departments should be asked to endorse such resolutions passed by local trades and labor councils. These requests, even if not complied with in every instance, will at least create healthy discussion in the Legion. A close tab should be kept on reactionary leaders and elements in the Legion and wider publicity given to words or deeds unfriendly to democratic rights. The progressive movements cannot afford to leave the fertile Legion field to reactionaries which have so long regarded the veteran movement as their own private possession.

The Americanism of the Legion

THE Legion has always called itself non-political and non-partisan, standing solely for good citizenship, law and order and pure Americanism. It says its purpose is to combat "movements inimical to the welfare of the country with a counter-offensive of good citizenship and education." Its constitution asserts:

"For God and country, we associate ourselves for the following purposes: to uphold the Constitution of the United States; to maintain law and order . . . to make right the master of might; to safeguard and transmit to posterity the principles of justice, freedom and democracy."

These are noble aims. Yet the American Legion, since its inception, year in and year out, has acted contrary to these professions. Its national conventions have adopted resolutions which directly strike at the rights of free speech and free press. It has supported compulsory loyalty oaths for teachers and laws to exclude from the ballot political parties advocating certain doctrines—thus denying them the one peaceful means of agitation. It has joined with other red-baiting and repressive agencies in urging upon Congress gag legislation.

The spirit of its resolutions would indicate that the Legion officials believe that radicals have no rights under American law, and that real Americanism means, in effect, support of the capitalist system. Anti-capitalism is looked upon as disloyalty to the Constitution.

But more important than the resolutions adopted by the Legion are the acts of violence and repression by local Posts aimed against radicals, pacifists, and strikers. When the American Civil Liberties Union in its 1936 annual report quoted correspondents from all over the country as agreeing that the American Legion leads the field in attacking civil rights the statement was challenged by Frank Miles, editor of the *Iowa Legionnaire*. The Union replied by citing three cases, which were reported in the same day's mail, in which Legionnaires had violated the guarantees of the Bill of Rights.

During the course of the Legion's existence since 1919 the partial record shows that Legion leaders or Posts without rebuke

backed the 1920 raids of the infamous "Lusk Committee" in New York on labor and reform organizations, including the Socialist Rand School;

helped to oust the duly elected Socialists from the New York City Board of Aldermen and from the New York State Assembly the same year;

tried to get Congressman Victor Berger deported because of his criticism of the war;

repeatedly prevented the concerts of the great violinist Fritz Kreisler because he served in the Austrian army;

prevented parades and meetings in honor of Eamon de Valera, now President of the Irish Free State, when he visited America;

helped in scores of cases to break strikes conducted by American Federation of Labor unions;

attacked hundreds of meetings of pacifists and liberals;

broke up meetings and opposed the sale of literature of rival veteran organizations;

worked for the registration and deportation of aliens.

AT THE present time the big fight waged by the reactionaries in the Legion is to outlaw "subversive elements," and to drive "reds" and "pinks" from the American school system. The many teachers' loyalty oaths introduced in state legislatures in recent years have been sponsored or backed by state officers of the American Legion. These state Departments were carrying out the desires of the national organization. The 1934 annual convention of the Legion passed the following resolution:

"Whereas, The great body of teachers in our schools and colleges are patriotic educators of our youth, and

"Whereas, A small number thereof are using their important offices for the purpose of poisoning the minds of the youth of America with un-American propaganda, and

"Whereas, Certain states are requiring all teachers in institutions of public learning to subscribe to an oath supporting the Constitution of the United States; be it

Resolved, That we heartily endorse the action of those states requiring such oath; and be it further

"Resolved, That we urge that all states in the Union require their teachers in both public and private schools to take an oath to uphold and defend the Constitution of the United States."

By an overwhelming vote the 1936 convention of the National Education Association, held in Portland, Ore., adopted resolutions condemning curbs on freedom of teaching, including loyalty oath bills and the so-called "red rider" to the District of Columbia Appropriation Bill.

The Legion has officially assisted the Chamber of Commerce, the National Association of Manufacturers, Hearst and others of that ilk in campaigns for such a federal measure as the Tydings-McCormack military disobedience bill which would make any speech, article or letter criminal that might be construed as urging soldiers and sailors to disobey any regulations.

Colonel John Thomas Taylor, legislative representative of the American Legion, testifying before the House Committee on Military Affairs and Subcommittee No. 10 on H. R. 5845 ("Military Disobedience Bill") on March 1, 1935, gave the Legion's official position. Said he:

"The American Legion endorses this legislation as being one of the pieces of legislation to carry out the program as outlined by the committee of which Mr. McCormack was chairman, to in some way defeat the activities of the Communists in this country, as directed toward the deception of our national defense. So we, the American Legion, endorse this legislation."

The Legion similarly supported the federal sedition bill introduced by Rep. Kramer. Neither came to a vote.

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In addition the Legion reactionaries work for state laws to exclude from the ballot parties which are held to advocate "a program of sedition or of treason" or overthrow of the government by force and violence.

The 1934 annual convention of the American Legion at Miami passed the following resolution under which four states have denied political rights to parties advocating "force or violence," "sedition or treason":

"Whereas, all legitimate political parties are entitled as a matter or right to representation on the ballot, and

"Whereas the Communist Party, United States of America is not an American political party but is a branch of a foreign anti-American international group emanating from Soviet Russia, advocating in the final analysis the use of the bullet instead of the ballot, and

"Whereas said group should not be accorded privilege of recognition as a political party; therefore be it

Resolved, That all States be requested not to afford political rights to the Communist Party, United States of America."

The 1934 convention of the Legion passed a resolution asking Congress to enact a law for "recording and checking" the movements of aliens through compulsory registration and finger printing. The 1935 Legion convention recommended to Congress that it pass a law for "the immediate deportation of all alien-born persons who are members of any society, group or organization that proposes to change or overthrow this government by force or violence." The 1935 convention also passed resolutions against the use of public school buildings by pacifists and offering cooperation to "all those organizations in the United States who are now waging an active fight against Communism and other subversive elements."

The 1934 national convention made some serious attacks on freedom of the press. Two particularly obnoxious resolutions were passed. One condemning religious pacifism read:

"Whereas, There has appeared in certain religious periodicals articles directly advocating sabotage in time

of war and urging that the youth of America be traitorous to our country, and

"Whereas, Said propaganda is not only inimical to the best interests of the land and to the youth thereof, but is also an insult to the countless thousands of defenders of the Republic who are members of said religious denominations, therefore, be it

"Resolved, That we condemn the appearance of such un-American traitorous matter in said religious publications."

The other:

"Whereas, Communist propaganda is flooding the United States mails, at the expense of the American taxpayers; therefore be it

"Resolved, The use of the mails be forbidden to any publication advocating revolution and overthrow of our form of government by force or violence, or which is sponsored by un-American or Communist sources; and be it further,

"Resolved, Such matter be forbidden in interstate commerce."

The inevitable result of such gag laws as those proposed by the American Legion is to hamstring labor and reform movements, for such laws are always stretched far beyond their apparent meaning.

It is evident from this brief record that the attitude of the Legion as expressed in its resolutions is far from the conception of democratic liberties embodied in the Bill of Rights. The Legion's conception of Americanism is plainly that radicalism should be outlawed and democratic rights denied to those who hold what the Legion regards as subversive views.

Violations of Civil Rights by the Legion

HERE are some typical cases taken from the record of violations of civil rights by Legion posts or officers acting in the Legion's name, all without rebuke by national officers. They cover only cases within comparatively recent years.

Against Free Speech in California

On Oct. 8, 1933, in Glendale, Cal., William Busick, an organizer of the Socialist Party, was dragged from the platform from which he was addressing a meeting of the unemployed. The mob leaders were in their full Legion regalia. Police officers stood by and watched the violence. Suit was filed by A. L. Wirin for the American Civil Liberties Union for damages against Captain Chenowith, the head of the Glendale Legion Post, and against the chief of police of Glendale. A judgment was secured for \$300 against each.

But Legionnaires got revenge on attorney Wirin. On Jan. 23, 1934, he was kidnapped by vigilantes in the Imperial Valley (Brawley). After describing how he was seized by a band of men while eating dinner in a Brawley hotel, driven into the country and beaten, Mr. Wirin reported:

"I was thrust into a car and taken to American Legion headquarters. There dozens of men turned their flashlights on me. This, someone said, was so all the Legionnaires would know me the next time I came to Imperial Valley. I was then taken on a long ride, blindfolded and tied. I was turned loose in the desert eleven miles from Calipatria, barefoot, and minus my personal belongings and \$25." (*New Republic*, Feb. 21, 1934.)

Free Assemblage in Virginia

Early in July, 1936, Major George L. Dart of the Richmond, Va. Post No. 1 persuaded the school board, despite a rule opening the building to political parties, to deny a permit for a Communist Party meeting in the John Marshall High School at which James W. Ford, Negro vice-presidential candidate was to have

been the speaker. Commenting on the incident, the *Richmond Times-Dispatch* of July 23, described Major Darté's action as

" . . . in conflict with American principles of free speech . . . Major Darté takes the opposite view and says it 'appears high time that protests with teeth in them be lodged against organizations and individuals who would prostitute our American standard of liberty'. Major Darté apparently doesn't know it, but in attempting to deny an American citizen the cardinal American right to freedom of speech, he himself is one of the 'individuals who would prostitute our American standard of liberty'."

Farmers' Rights in South Dakota

On Aug. 31, 1934, Federated Press ran the following news story from Britten, S. D.:

"Seven farmer radicals were kidnapped by American Legion toughs from the 'farm school on wheels' and taken into the basement of Carter's Millinery Shop in Britten, S. D. Here they were put through tortures of the Hitler Brown House type by the Legionnaires.

"Ted Sharp, one of the seven victims, is a crippled war veteran. They broke three of his ribs and shot tear gas into his eyes.

"Sheriff Roehr of Marshall County has bragged that he was going to 'chase out the reds' and the *Aberdeen American* is reported to quote Governor Berry as saying he would give the Legion a free hand against radicals."

This story was substantiated by a special report to the American Civil Liberties Union by one of the victims.

Americanism in Tennessee

In the spring of 1935 Henry Sprinkle of the General Board of Christian Education of the Methodist Church South asked a crowd of men near Chattanooga, Tenn., the way to a united front labor and liberal conference being held at the Highlander Folk School in Monteagle, Tenn. He picked the wrong men. Under the direction of Wiley Couch, a county trustee and Legionnaire,

they were out hunting for "reds." Quoting from the *Chattanooga News*:

"Mr. Couch is one of the largest men in the county. Mr. Henry Sprinkle of Nashville is a small man. Mr. Couch's patriotism got the better of him and for no reason at all he slapped Mr. Sprinkle across the face. The Legionnaires and Mr. Couch feel that they have won a signal victory."

Fighting Atlanta "Subversive Influences"

Atlanta Posts of the American Legion in June, 1935, joined with the Men of Justice, the Benevolent and Protective Order of Elks, and the Junior Chamber of Commerce in trying to prevent a conference of the Southern Institute of International Relations, though sponsors included Atlanta ministers and teachers and other civic groups in cooperation with the Friends Service Committee (Quakers). The Legion sent out circular letters denouncing the backers of the Institute as "reds."

In 1935 Atlanta Legion Post No. 1 under the leadership of Kenneth R. Murrill tried to prevent John Haynes Holmes from addressing the Junior Hadassah.

Rev. Witherspoon Dodge was forced to resign as Legion chaplain because he publicly apologized for discourtesies shown to Mr. Holmes by Post Commander Murrill. Joining hands with the Men of Justice, Post No. 1 was able the same year to prevent a lecturer from the League for Industrial Democracy from appearing at the Wesleyan Church.

Pennsylvania Award

The American Legion Post of McKeesport, Pa., awarded in July, 1936, a "distinguished service certificate" to Mayor George H. Lysle for his opposition to "anti-American movements." Mayor Lysle is considered by liberals one of the most reactionary of the officials of the Pennsylvania corporation-controlled coal and iron towns. He has long discriminated against radicals and labor unions, denying them their rights under the law.

Indiana Legionnaires on Guard

Paul Butash, a naturalized Hungarian who has supported himself for several years selling subscriptions to the *Literary Digest*, sought customers in Angola, Ind., in May, 1936. He approached in his grocery store, Burton Richardson. Also present was a meat market proprietor, Elgers Ewers. Both men were staunch Legionnaires and their suspicions were aroused when the salesman spoke of the "system" of government in America and when in displaying a large globe of the world—free to all subscribers—he put his finger on the U. S. S. R. Mr. Butash was persuaded to come to a meeting specially arranged by the Legion in a local college to discuss politics. The salesman attended, spoke reluctantly for five minutes, and then for an hour and a half answered leading questions. When he declared that he favored a Farmer-Labor government and asserted "that the people can force Congress to change conditions," the Legionnaires broke up the meeting and sought to attack him. He was saved by the college students and warned to leave town. The next day he was arrested and early in July convicted of criminal syndicalism on the evidence secured by the Legion at its "frame-up" meeting. College students were afraid to testify in his behalf. He is now out on bail pending an appeal.

Legion and Labor

Armed vigilantes in Imperial Valley, Cal., were active two years ago in breaking a strike and crushing a union of farm workers. Newspapers frankly admitted the part Legionnaires played in the business. The *Calexico Chronicle* of Jan. 12, 1934, reported the "mobilization of the American Legion Reserve—to keep down the rising tide of strike sentiment." The *Brawley News* of Jan. 11, 1934, commended the American Legion for its readiness "to go to bat" against the subversive strikers. Chapin Hall, columnist of the *Los Angeles Times*, wrote: "It's a secret, but the vigilantes are really Legionnaires, and do they have fun!" What is most amazing is that the *American Legion Weekly Bulletin* (Los Angeles) in its issue of Feb. 3, 1934, indiscreetly admitted everything by carrying "The Inside Story of the Imperial Valley Strike." The article reported a speech made by a past commander of the El Centro Post, who said, "The veterans of the

valley, finding that the police agencies were unable to cope with the situation, took matters into their own hands and solved the situation in their own way. Now the valley is free from all un-American influences." The growers then formed a company union. (*Carey McWilliams in American Mercury, Oct. 1934.*)

In the *Nation* for June 19, 1935, is an article by Amy Schechter describing an anti-union movement sponsored in the steel towns of western Pennsylvania by open-shop employers and the American Legion. A "Constitutional Defense League" was set up under Michael P. Kane, a magistrate and a former police chief of Aliquippa, the Jones and Laughlin Steel Corporation town. Kane says that he acted under the direction and with the full support of Frank N. Belgrano, Jr., then national commander of the Legion and of Homer L. Chaillaux, director of the National Americanism Commission of the Legion, of whom we shall hear more later. Neither made a public denial.

The program of the new organization was announced by Kane in a speech on Army Day attacking various labor and liberal groups, including the American Civil Liberties Union; Kane exhorted his hearers to action: "Don't debate with them; it isn't a debatable question; punch them in the nose, take them for a ride, hang them if necessary." The *Elwood City Ledger* carried an account of Kane's speech and criticized it editorially as tending to "incite mob violence" and as leading "inevitably to suppression and persecution of all minorities—in a word, to fascism."

Says Miss Schechter:

"When the steel workers of Ambridge across the river from Aliquippa walked out during the great wave of coal and steel strikes in western Pennsylvania in the fall of 1933, Kane took a leading part in the attack on the Ambridge strikers by leading 200 armed men recruited and deputized by the sheriff of Beaver County, Charles L. O'Laughlin, in answer to the demand of the Ambridge steel companies. In that encounter one man was killed, and hundreds of men, women, and children were wounded and gassed. Kane, who was a captain in the army reserves

and a Legion official, aided William Shaffer, head of the Aliquippa Post, in equipping and drilling those of the 200 who were recruited in Aliquippa."

During the recent Camden ship-yard strike the company suggested that the American Legion conduct a vote to see whether the employees wanted to return to work. The Union indignantly refused the suggestion. John Green, President of the Industrial Union of Marine and Shipbuilding Workers, explained that the "American Legion is not a friend of labor and has never been."

During the great textile strike of 1934 Francis J. Gorman, strike leader and vice-president of the United Textile Workers Union (A. F. of L.) felt compelled to protest directly to the then National Commander of the Legion, Edward A. Hayes, and to urge that he "end the co-operation of the American Legion groups with strikebreakers." (*N. Y. Herald-Tribune*, Sept. 9, 1934.)

Freedom of Education in Illinois

The Illinois Department of the Legion's Americanism Commission in 1935 supported two bills in the legislature to penalize universities and colleges teaching "un-American doctrines." One would have deprived such institutions of state funds; the other would have removed their tax exemption. The bills were opposed by the entire educational fraternity in Illinois and were defeated.

More Repression in California

The report of the hearings of the so-called Fish Committee to investigate Communist activities in the United States contains an illuminating statement by a past county chairman of a Legion Americanism Committee. In Volume 3, Part 5, Page 240 of the hearings, Albert H. Wainess, former chairman of the Los Angeles County Americanization Committee, boasted that while in that position he and other leading Legionnaires had raided a children's Communist camp near Redlands; and that the Englewood American Legion helped get a "Red" teacher fired from the schools. After describing these patriotic activities he was asked by Representative Bachmann for recommendations as to legislation.

Mr. Wainess: "Well, my recommendation, as we recommended to the national department, would be strictly this: That the United States Congress makes laws that when a man is convicted under any of our criminal syndicalism acts, or any act the Government may enact, for denouncing our government, for talking communism, that we eliminate all red tape today in deportation proceedings."

Mr. Bachmann: "How are you going to take care of the native American?"

Mr. Wainess: "I think we would be absolutely fair in confiscating all of his property . . . The native American should be tried, and, immediately upon being found guilty, should be deprived of all and any of his rights, and lose whatever he has here in America. . . . And, if he is a naturalized citizen, his citizenship should be revoked and he should be deported immediately to his country which he came from."

This is thoroughgoing, and is a concept of Americanism with which many Legion leaders agree.

In the spring of 1936 the chairman of the Subversive Action Committee of the California Legion, one Herbert L. Knowles, attempted to prevent the California Committee of the Bar Examiners from accepting a graduate of the University of California Law School because of his "continued and pernicious radical activity." The chairman embodied his charges in a letter to Chief Justice William H. Waste of the State Supreme Court. Young Aubrey Grossman, the law student, had been active in the National Student League at the University of California. Despite the Legion's charges the Committee of the Bar Examiners admitted Mr. Grossman to the practise of law on the ground that his student political activities did not adversely affect his moral character.

In Los Angeles the county chairman of the Americanism Committee in 1934 reported with satisfaction that the Legion had forced the Los Angeles Board of Education to cancel permits

for meetings in school buildings by the Friends of the Soviet Union, although California law requires school boards to permit the use of school buildings on equal terms to all organizations.

The California Legion Department in 1934 passed a resolution (No. 48) recommending hard labor camps not only for aliens awaiting deportation but for native "subversive elements." The last part of the resolution with this novel proposal reads:

"Finally, It is recommended by the Special Americanism Commission that any and all American citizens who have become bona fide members of the Communist Party, U. S. A., and/or affiliated, subsidiary and/or subversive organizations, or who shall have been convicted of a crime or crimes shall likewise be confined to such detention or labor camps."

Another resolution at the same convention recommended "removal from relief or charity rolls of those known to be or who associate with Communists and other radicals." Another resolution went even further than the sedition and criminal syndicalism laws, already the most drastic legislation penalizing mere opinion, by recommending that "any person or persons found guilty of membership, association, or participation in the activities of the Communist Party of the U. S. A. and its subsidiary, affiliated and/or sympathetic organizations, shall be deemed guilty of an act of treason and shall be punished for such treasonable acts."

In the report of the Ohio Department of the Legion for 1934 over the signature of National Vice-Commander Paul M. Herbert appears this significant comment on the Legion's activities in California: "In the strike trouble in California, the national organization, cooperating with the Legion Posts out there, drove out about 500 admitted and confessed Communists."

Trends in the Legion

THE important question now is what direction the Legion will take. There are two trends in the veteran movement today, just as there are two trends in all of American life. One is forward and one is backward. One is toward protecting the liberty we have while fighting for greater freedom and security for all, and the other toward maintaining the status quo. One is toward a changing social order and the other is toward Fascism. These trends can be easily seen in the American Legion.

Toward Reaction

The Legion pretends to fight Fascism just as vigorously as it does other "isms," but no one has ever found out what form the organization's fight against Fascism takes. There is a reason. Many Legion officials have shown sympathy for Fascism and Fascist methods. In addition to cooperating with native American Fascists like William Randolph Hearst they have actually flirted with the foreign article.

In 1923 while still National Commander, Alvin Owsley was quoted by Newspaper Enterprise Association as having said: "If ever needed, the American Legion stands ready to protect the country's institutions and ideals as the Fascisti dealt with obstructionists who menaced Italy. . . . Do not forget that the Fascisti are to Italy what the American Legion is to the United States." When asked if he would go so far as to take over government, he replied: "Exactly that."

Greetings from Mussolini are received and read at almost every annual Legion Convention. In 1934, for instance, the message was: "I send my inaugural greetings, together with the greetings of Fascist Italy." Mussolini has long been popular with many of the Legion's leaders. In 1930 he was invited to speak at the Boston convention of the Legion but the invitation was withdrawn when organized labor protested. At a luncheon, July 10, 1931, Ralph T. O'Neill, then National Commander of the Legion, presented to the Fascist Ambassador Giacomo de Martino resolutions of the National Executive Committee of the Legion sending greetings to Mussolini, and thanking him for assisting

American Legion activities in Italy. To cap the climax in 1933 a national vice-commander, William Edward Easterwood, Jr., visited Mussolini and conferred honorary membership upon him. It was found to be an unconstitutional act, so that a mere technicality was all that kept Il Duce from becoming patron of the Legion.

Arms for Storm Troopers?

For one reason or another Legion leaders have been working ever since 1919 to get arms for at least part of the membership. On June 11, 1934, the New York *World-Telegram* carried this disquieting news: "Congress has quietly passed and President Roosevelt has signed a law turning over to private citizens probably 75,000 or more high-powered rifles, of an obsolete type . . . The law converts into gifts the loan of these rifles to American Legion posts. . . . Possibility of the guns being utilized in any domestic or internal violence, such as labor wars or the like, is discounted here." Modern gun-slings and cartridge belts were also issued with the rifles which were to be used only for drills, parades and burial-squad work. The Legion has been "borrowing" War Department supplies for years but this was the first outright public gift.

In the *Cleveland News* of Feb. 13, 1935, Samuel H. Deutsch, Commander of the Legion in Cuyahoga County, Ohio, said that the Legion was to have regular drills to be prepared for any emergencies. Said Mr. Deutsch: "I understand from others prominent in Legion circles here that this is general throughout the United States."

Naturally such sentiments and acts are not highly reassuring to the American people and many have been the alarms sounded. On May 4, 1935, the New England Methodist Council held in Lowell, Mass., adopted a resolution which said in part: "We warn our people against the approaching menace of Fascism . . . sponsored quite noticeably by the American Legion which attempts to disguise itself in the terms of patriotism." The man who introduced the resolution was the Rev. J. Lester Rankin, former State Chaplain of the Legion.

Americanism on the Loose

Probably the most dangerous single force within the American Legion is its National Americanism Commission, headed by Homer L. Chaillaux as director. Mr. Chaillaux appears to be an energetic and enthusiastic zealot. He travels widely, bitterly attacking all those whom he considers "subversive." In March, 1936, he savagely assailed Waldo McNutt, National Organizer for the American League Against War and Fascism, when the latter was on a speaking tour in North Dakota. So effective was one of Mr. Chaillaux's attacks over radio station WDAY that the station promptly cancelled a previously scheduled speech by Mr. McNutt. Mr. Chaillaux wanted no clash of opinions, no open forum debate; he wanted and got complete censorship.

Mr. Chaillaux appeared under a false name at the 1936 Cleveland Congress of the American League Against War and Fascism as a representative of a group especially and absurdly created for the purpose, the Pilgrims of Peace. His report was later submitted to the Indianapolis YWCA in an unsuccessful effort to prevent that organization from continuing to permit the League to use its assembly rooms for League meetings.

Late in November, 1935, Mr. Chaillaux was invited to speak in Milwaukee, Wis., by a local Law and Order League. The meeting was arranged with the cooperation of Wisconsin State Commander George F. Plant who acted without consulting the Legion's Milwaukee Council. The appearance of Messrs. Chaillaux and Plant gave the impression that the Legion was sponsoring a meeting of the Law and Order League which had previously been denounced by the Milwaukee Central Trades and Labor Council as "a Fascist organization" and as anti-labor.

At the meeting, Mr. Chaillaux characteristically denounced "communistic organizations" and included under this heading the Tom Mooney Defense Committee, the League for Industrial Democracy, and the American Civil Liberties Union. The President of the Law and Order League attacked the Milwaukee ordinance giving the mayor discretionary power to close strike-bound plants.

The County Council of the Legion promptly met and denounced the Citizens Law and Order League. One after another,

Post Commanders got up and blisteringly criticized State Commander Plant—who was present—for working with the League. Frank Reuhl, commander of Milwaukee Post No. 1 of the Legion, condemned the use of Legionnaires as ushers at the Law and Order mass meeting. Speaking directly to State Commander Plant, Ruehl said: "You should have known the Law and Order League has been tabbed as anti-union. . . . If we're to let a few officers do and say things not approved by the majority of members, then I'm going out of the Legion." Unanimously the Council called upon the State Commander and the officers of the county council to issue an official statement making it clear that "there is no endorsement of, and no tie-up with the Law and Order League." All the other veteran organizations in Milwaukee, including the V. F. W. and the Disabled American Veterans, followed suit.

Why No Attacks on Fascism?

That Mr. Chaillaux's gestures are not always successful is obvious. But his Americanism Commission is well-financed and it conducts a steady campaign against liberals, pacifists, and radicals. In addition to its own "Isms," published this year, which combines a plea against "taking the law into our own hands" with a mass of "data" on Communist, Socialist, and propagandist organizations, the Commission has sent out literally tons of reports on "subversive" activities based on investigations of the Fish Committee, the Lusk Committee, the McCormack Committee, and the Chamber of Commerce, much of which is based on distortions and conjectures. The Legion has sent out also Mrs. Dilling's fantastic book, *The Red Network*. All of this material goes continually to the 11,000 American Legion Posts. **But not a single publication of any sort against Fascism has been distributed by the commission.**

A clique in the Legion which seems to be under reactionary leadership is the Forty and Eight. Here is the report of John D. Crowley, Chairman of the Forty and Eight to the 1935 convention of the Legion:

"Against the traducers of the Legion . . . the Forty and Eight mobilized groups of picked men, known as the 'Shock Troopers'

... In carrying out the Legion's Americanism Program the Forty and Eight, through its Intelligence Officers, has ascertained and exposed leaders of subversive and un-American activities in communities, factories, schools, colleges and even pulpits.

"Your Forty and Eight pledges you it will relentlessly pursue these human rats who are gnawing at the very foundations of our country until like the rodents they are, they will be exterminated." (This amazing report, so like the ravings of a Hitler, was praised by Commander Frank Belgrano.)

The Legion Leadership

Take a glance at some of the Legion leaders over the years. In addition to being members of the officer-caste, nearly all of them are wealthy or in the employ of big corporations. For example the American Legion Monthly for August, 1932, referred to Franklin D'Olier, first national commander, as "chief of staff" of an insurance company with "nearly three billion dollars in assets, a director of four banks, one of which is the largest in this country."

Frederic W. Galbraith, the second national commander, was a director in several large corporations. Luke Lea, one of the unofficial masters of Legiondom for years, was until recently one of the richest men in the South. Robert H. Tyndall, long the Legion treasurer, is a leading Indianapolis banker.

Hanford MacNider, the third national commander, is owner of the MacNider Loan and Trust Company of Mason City, Iowa, and one of the richest men in the State. Past Commander Henry L. Stevens, Jr., is a corporation lawyer representing Andrew Mellon. Trubee Davison, son of a Morgan partner, has wielded great influence in Legion affairs. Ogden L. Mills, one of the richest men in the United States, helped to organize the Legion and to direct its policies. Frank N. Belgrano, Jr., who was National Commander in 1935, is considered a puppet of Banker Giannini and his Transamerica General Holding Co., being vice-president of the Bank of America National Trust & Savings Association, president and director of America and Security Insurance Corporation, vice-president and director of Pacific National Fire Insurance Company and the Accidental Life Insurance Company. The 1935-36 Commander, Ray Murphy of Iowa, is an excep-

tion, conspicuous by his comparative liberalism, to the usual run of Legion heads.

One might go on indefinitely. But these examples are enough to show the type of ex-army officers who commonly compose the leadership of the Legion. At best they are well-to-do, conservative gentlemen, who have little or nothing in common with the rank and file veterans, small farmers, industrial and white collar workers, shopkeepers and professional people.

It is this leadership which really controls the organization. It is this leadership which misuses the organization as a cat's-paw in the interest of big business, of the jingoists and of the red-hunters. The Legion is run, not from the bottom according to its constitution, but from the top. At conventions the delegates merely rubber-stamp resolutions and other matters prepared and decided in advance by the leaders. It is not by accident that the exclusive officer-veteran organization (Legion of Valor and Military Order of the World War) meets just before the Legion conventions. The reactionary resolutions and proposals adopted at these officer conventions are almost always passed in the Legion conventions.

Toward Civil Liberty

But there are already evident the beginnings of a growing rank and file resistance to the imposition on the Legion of the attitude of those on top. While they are still not numerous they are sufficiently significant to deserve recording as a promising tendency. As yet they affect action only in local Posts. Here are some of them picked at random.

An organizer in the 1934 textile strike who operated in the vicinity of Burlington, North Carolina, tells this story. Veteran leaders there called a meeting of ex-soldiers to ask them to volunteer for duty as special policemen. The organizer, himself a veteran but not a member of the Legion, was given the floor at this meeting. He made a speech pointing out the grievances of the strikers and warning the veterans that as special policemen they would be expected to help break the strike. He got a rousing round of applause, and only one man volunteered for police duty.

Similar action was taken by Legionnaires in Posts in Portland and other Pacific Coast cities during the longshoremen's strikes in

1934. In Portland many of them opposed the organization of the Citizen's Emergency League by the Chamber of Commerce to assist in "keeping order" during the strike.

Against Strike-Breaking in Vermont

In the spring of 1933 the Barre, Vermont, Post of the Legion interested itself in helping to maintain civil liberties for strikers. It passed the following resolution against the misuse of the National Guard as a strikebreaking force:

"We, the members of the American Legion, Barre Post No. 10, and ex-servicemen of the city of Barre, Vermont, in special meeting assembled this 17th day of May, 1933, for the purpose of informing the people of Vermont and the United States of America of the abominable acts of those responsible for sending it into our city, do state that on Tuesday, May 9th, soldiers of the National Guard without warning, threw tear gas bombs amongst a crowd of men, women and children assembled near Granite Street. . . . On May 11th about 4 p.m. a crowd of about one thousand people gathered on Main Street. . . . It was a good-natured crowd of men, women and children. . . . At about 4:30 an officer of the National Guard came into Main Street . . . and he ordered the crowd to disperse. . . . Immediately thereafter and without giving the crowd any time or opportunity to disperse the officer blew his whistle and a group of about seventy-five soldiers . . . at once charged the crowd with fixed bayonets, cutting, wounding, and tearing the clothing of men, women and children indiscriminately."

The Legion Post went on to say that "the military officers responsible for the acts of the National Guard in our city should be court-martialed, and dismissed in disgrace." It is declared that the action of Governor Wilson in sending the National Guard into the community at all was "illegal, unjustified, unnecessary and a perversion of the purpose for which it was created."

A Fair Trial of a "Red"

There is other evidence that in some localities the Legion is becoming more liberal. Take the case of Paul V. Crosbie, avowed

Communist, who belongs to the Blissville Post, No. 727, Queens, Long Island. Efforts were made by Legion officials to kick him out. But the attempt failed. The Post trial board ruled that "Communist membership is not sufficient reason for expulsion."

The New York *Times* for May 27, 1935, reported a speech made by Abraham J. Rosenblum, Legion Commander of New York County, at a memorial service. Rosenblum announced that efforts had been made to get him as County Commander to influence the Legion to "break up" a proposed meeting of anti-war groups. He said:

"The Communists can hold their meeting, as can all other groups. No one believes more in the right of free speech and of a free press than I do. The police are fully competent . . . to meet any emergency that might arise from such a meeting."

No Spying for This Post

A hopeful sign comes from the Eli Wittstein Post No. 523 of Cincinnati. In December, 1934, this Post defied the state and national organization and refused to appoint a secret "Americanization Committee" to investigate "Communitistic activities". John E. Hendrixson, Commander of the Ohio Legion's Fourth District, had written to the Wittstein Post: "Our Americanism Committee means business and wants to eliminate from Ohio the leaders of these subversive groups." The reply to Hendrixson was signed by Alvin H. Rowe, Commander of the Eli Wittstein Post. Rowe said he was directed to inform Hendrixson by open letter that the Post deemed the proposed espionage program "not only un-American but inconsistent with the prime purpose of the American Legion, which is to uphold and defend the Constitution of the United States." He went on to elaborate on the conception his Post had of civil liberties:

"We believe that the United States Secret Service and the police departments of our local and state governments are fully competent to curb and root out any and all illegal, radical and Communitistic activities, plainly against the law.

"It appears that the Legion will be hated and despised by all thinking people if we waste the energy which should

be devoted to our comrades and to our country in this fruitless cause of super-espionage service, to be imposed over and above our governmental agencies."

Milwaukee Posts Think for Themselves

The Milwaukee Chaillaux-Law and Order League fiasco served to bring out a substantial liberal majority in the city's Legion Posts. S. B. Corr, Commander of the Fifth Milwaukee District, since elected Commander of Milwaukee County Council, composed of 25 Posts, announced at a recent Council meeting that at the next convention a fight would be made to liberalize the Wisconsin Department. Said Mr. Corr: "I want to see every possible bit of original thinking encouraged in this country. I am willing to give every man the right of free speech and thought."

Plans are also being laid by Milwaukee Posts to wage a fight to liberalize the national organization at the next convention. Three points are to be emphasized: (1) end red-baiting; (2) no gag laws; (3) end anti-labor acts.

National Press Club Post for Free Speech

On Aug. 11, 1936, the National Press Club Post of the American Legion (Washington, D. C.) came out with a strong resolution in favor of freedom of speech. The resolution, which was presented to the District of Columbia executive council of the Legion, read:

"Advocating freedom of speech for ourselves, we would not deny it to others. The objectives of Nazism, Fascism and Communism are contrary to our own, and we therefore renounce them. But we likewise renounce the chief agency by which such foreign systems are fastened upon a people, the abrogation of the right of free speech."

Red-Baiting Discouraged in New York

Recently reactionary influences and professional red-hunters have been attacking the Administration at Washington and all its work as "Communistic". The WPA projects in New York City, especially those of the writers, artists and actors, have met the disfavor of the Hearst papers as well as other sections of the reac-

tionary press. And Victor F. Ridder, former WPA Administrator for New York, encouraged efforts to organize a union of veterans on the projects to fight "subversive elements". Mr. Ridder was sharply criticized by Major Thomas E. Stone, Commander of the 307th Infantry Post of the American Legion, and urged to dissociate himself officially from "an organized effort to introduce Hitler methods and foment a red scare in the WPA to intimidate responsible supervisors."

An Americanism Pamphlet

There is other encouraging news from New York's veteran-dom. The Americanism Committee of the New York County Posts of the Legion recently published and circulated 1,000 copies of a pamphlet entitled "Americanism: What Is It?" The pamphlet was written, though not signed, by Cyrus LeRoy Baldridge, Commander of the Willard Straight Post of the Legion and during the war art director of the staff of the *Stars and Stripes*, official A.E.F. paper. The pamphlet defines the term "Americanism":

"The true American Spirit—'Americanism'—is expressed in a determined and magnificent human struggle to achieve Democracy, Justice and Liberty. The fundamental aim of this struggle is to maintain for all Americans the opportunity to enjoy the abundance of nature and to acquire such products of their cooperative labor as are essential to their life, liberty and pursuit of happiness.

"Democracy means an equality of opportunity.

"Justice means the equality of all before the law.

"Neither Democracy nor Justice is possible without liberty. Liberty means opportunity for self-expression and self-development. It guarantees, among other Freedoms, the Freedom of Religious Worship, and—above all else—Freedom of Speech. Liberty demands Freedom of Speech because without Freedom of Speech there can be no search for the Truth. This search is vital to 'Americanism'; for unless great numbers of people constantly seek and discover new Truths, we cannot know how to make our world a better place in which to live. . . .

"Never was it more necessary than now for all Amer-

icans to support their right to Freedom of Speech and Freedom to Listen and Learn. We live in a period of bewildering changes. Some nations have shifted convulsively from one form of government to another overnight; others waver between various forms. We face the fact that many people, recently converted to new and un-Democratic forms of government, are eager to bring about similar changes here in America. Some of their ideas may be new to us; some may seem dangerous. Nevertheless, believing in Freedom of Speech for others as well as for ourselves, we must not attempt to abuse or silence them."

The publication of the pamphlet brought on a furor in the Legion. The ubiquitous National Americanism Director, Mr. Chaillaux, wrote to Joseph V. McCabe, County Commander, who appointed the New York Americanization Committee which issued the pamphlet. Said Chaillaux:

"The spirit of the Legion on freedom of speech is not clearly outlined, because the stand of our organization has always been that of protection of freedom of speech and freedom of the press up to the point where it is used by any person or group to promote the violent overthrow by force of the government."

The committee replied that it was using the Declaration of Independence and the Bill of Rights as its authority for its definitions. Representative Maury Maverick of Texas, a member of the House Military Affairs Committee, a wounded World War veteran who has been active in veteran affairs, made a speech on the floor of the House reading the whole pamphlet and taking Chaillaux to task for trying to set himself up as "the sole judge of what is Americanism." Said Mr. Maverick:

"I see where H. L. Chaillaux, director of the American Legion Americanism Committee, has sent a letter from Indianapolis to Hon. Joseph V. McCabe, County Commander of all Legion Posts (in New York County), in which he states: 'On the opening page I note the raised hand and flaming torch with its similarity to the Left Wing Socialist emblem.'

"When the American torch of liberty got to be 'left-wing' or 'socialist' or something un-American, I do not know. Furthermore, a torch, if lighted, flames. Would these objectors extinguish the flames of liberty?"

The Boston *Evening Transcript* on Friday, March 27, 1936, carried an editorial on the pamphlet. The editorial read in part:

"Would that many of the speakers who heckled and insulted the leading educators of Massachusetts during recent hearings on the teachers' oath law might receive the New York Legion's pamphlet and learn from it what is the true nature and value of America and Americanism."

The pamphlet, due to Mr. Chaillaux's intervention, was not finally approved by the County Legion, but has been privately republished in large quantities as the expression of its Americanism Committee.

Academic Freedom Backed

Notable as a sign of liberalism in the citadel of reaction itself, the national administration of the Legion, was the speech made before the National Education Convention in Portland on July 2, 1936, by Frank Miles, editor of the *Iowa Legionnaire*, who appeared for Commander Ray Murphy. Mr. Miles in forthright terms declared the Legion's opposition to loyalty oaths for teachers, urged respect for academic freedom, and criticized newspapers of "Fascist tone".

When Commander Ray Murphy was asked by the Civil Liberties Union whether this speech reflected the official Legion position on loyalty oath laws, Mr. Murphy explained that the Legion could face two ways. He wrote:

"At Miami in 1934, the National Organization of the American Legion by convention action favored the so-called teachers' oaths. This action was not reiterated in 1935 and that program has not been made a part of the national activities for the year of 1935-36. Some State Departments of the Legion are actively for such oaths and others are not. In other words, there is considerable au-

tonomy in the American Legion, but in this instance the National Organization is taking no stand officially.

"Unofficially and personally I have stated my own position in respect to teachers' oaths." He had said, "The American Legion has never as an organization opposed academic freedom. It does not oppose dissemination of knowledge relative to Communism, Fascism or any 'ism', but it believes that the study of such 'isms' in secondary schools and colleges should be approached with care and with certainty that information relative thereto is not the product of any school of anti-American propaganda. The American system of government can well afford to stand comparison with others and Americanism will stand any test in competition with the various other 'isms' such as Communism and Fascism. If the study of such 'isms' is from an American angle, well and good."

It is perhaps an encouraging sign of change that the resolutions of the 1935 convention were far less illiberal than in 1934.

Distinguished Veterans

In addition to these signs of liberalism there are encouraging words coming from prominent World War Veterans. In the United States Congress are several liberal war veterans or honorary members of veterans' organizations. Congressman Amlie was recently expelled from the Forty and Eight, the semi-secret clique in the Legion, because of his activities in fighting the "red scare" in Washington, D. C. Congressman Connery of Massachusetts, a veteran, has tried to get a Congressional investigation of the use of the National Guard in repressing freedom of speech, press and assemblage for strikers. Congressman Lundeen, a Spanish-American War veteran and honorary Legionnaire, has campaigned for many liberal measures. Congressman Scott of California (honorary member of the Legion) has been active in free speech fights. Congressman Maury Maverick, wounded World War veteran and one of the organizers of the Texas Department of the Legion, led a splendid and successful struggle against gag legislation. Brigadier General Pelham Glassford should also be included among outstanding liberals in the veterans' movement. Major General Smedley D. Butler devotes his

whole public activity to the struggle against war and reaction. Governor Earle of Pennsylvania is another. Legionnaire Earle, speaking to the 1935 convention of the Pennsylvania Department of the Legion, gave the veterans a timely warning against red-hunting when he said:

"I warn you that our civilization is in danger if we heed the deceptive cries of special privilege, if we permit our men of great wealth to send us on a wild goose chase after so-called radicals while they continue to plunder the people. . . . We are told constantly of the evils of Socialism and Communism. The label is applied to every man, woman and child who dares to say a word which does not have the approval of Wall Street."

Conclusion

These progressive trends appear, however, only against a background of acts hostile to free speech and to democracy. Most often the Legion has sided with the forces of reaction against the interests and rights of the people. Many Legion leaders have shown that their Americanism functions to deny free speech to their enemies, chiefly pacifists, progressives and radicals.

The average member of the American Legion, like the average citizen, receives no benefits from strike-breaking and red-baiting. If he joins in such activities it is because he is fooled by his Post or state or national leadership. Not until this rank and file Legionnaire makes his officers feel his own faith in democracy, in the Bill of Rights, in tolerance and fair play, will the American Legion be able to fulfill its avowed purpose of transmitting "to posterity the principles of justice, freedom and democracy."

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